

**STATE WATER CONTROL BOARD ENFORCEMENT ACTION
SPECIAL ORDER BY CONSENT
ISSUED TO
SAINT PAUL'S COLLEGE**

SECTION A: Purpose

This is a Consent Special Order issued under the authority of Va. Code §§ 10.1-1185 and 62.1-44.15(8a) and (8d), between the State Water Control Board and St. Paul's College, for the purpose of resolving certain violations of environmental law and regulations.

SECTION B: Definitions

Unless the context clearly indicates otherwise, the following words and terms have the meaning assigned to them below:

1. "Va. Code" means the Code of Virginia (1950), as amended.
2. "Board" means the State Water Control Board, a permanent citizens' board of the Commonwealth of Virginia as described in Va. Code §§ 10.1-1184 and 62.1-44.7.
3. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia as described in Va. Code § 10.1-1183.
4. "Director" means the Director of the Department of Environmental Quality.
5. "Order" means this document, also known as a Consent Special Order.
6. "College" means St. Paul's College, located in Lawrenceville, Virginia.
7. "Sewage Collection System" means the College's sewer lines manholes and accompanying appurtenances required to convey untreated wastewater to the regional sewer treatment plant.

8. "PRO" means the Piedmont Regional Office of DEQ, located in Glen Allen, Virginia.

SECTION C: Findings of Fact and Conclusions of Law

1. The College owns and operates a Sewage Collection System in Lawrenceville, Virginia.
2. On May 19, 2003, the Department was informed of an unpermitted discharge of sewage from a manhole located on the College's property.
3. On June 2, 2003, the Department issued an Notice of Violation (NOV) to the College citing it for the unpermitted discharge.
4. A meeting was held on June 20, 2003, to discuss the circumstances around the unpermitted discharge and plans the College has to eliminate the cause of the problem. The College will implement short term sewer system corrective action to prevent discharges while the College works through the remainder of a grant process that will provide the funding for the long term solution to upgrade the sewer collection system.

SECTION D: Agreement and Order

Accordingly, the Board, by virtue of the authority granted it in Va. Code § 62.1-44.15(8a) and (8d), orders the College, and the College agrees, to perform the actions described in Appendix A of this Order. In addition, the Board orders the College, and the College voluntarily agrees, to pay a civil charge of \$5,000 within 30 days of the effective date of the Order in settlement of the violations cited in this Order. The payment shall note that it is being made pursuant to this Order and shall note the Federal Identification Number for the College. Payment shall be by check, certified check, money order, or cashier's check payable to ATreasurer of Virginia" and sent to:

Receipts Control
Department of Environmental Quality
Post Office Box 10150
Richmond, Virginia 23240

SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend the Order with the consent of the College, for good cause shown by the College, or on its own motion after notice and opportunity to be heard.
2. This Order only addresses and resolves those violations specifically identified herein, including those matters addressed in the Notice of Violation issued to the College by DEQ on June 2, 2003. This Order shall not preclude the Board or the

Director from taking any action authorized by law, including but not limited to: (1) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the facility as may be authorized by law; or (3) taking subsequent action to enforce the Order. This Order shall not preclude appropriate enforcement actions by other federal, state, or local regulatory authorities for matters not addressed herein.

3. For purposes of this Order and subsequent actions with respect to this Order, the College admits the jurisdictional allegations, factual findings, and conclusions of law contained herein.
4. The College consents to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Order.
5. The College declares it has received fair and due process under the Administrative Process Act, Va. Code §§ 2.2-4000 *et seq.*, and the State Water Control Law and it waives the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to any judicial review of any issue of fact or law contained herein. Nothing herein shall be construed as a waiver of the right to any administrative proceeding for, or to judicial review of, any action taken by the Board to enforce this Order.
6. Failure by the College to comply with any of the terms of this Order shall constitute a violation of an order of the Board. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Board or the Director as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.
7. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.
8. The College shall be responsible for failure to comply with any of the terms and conditions of this Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or such other occurrence. The College shall show that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. The College shall notify the DEQ Regional Director in writing when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of the Order. Such notice shall set forth:
 - a. the reasons for the delay or noncompliance;
 - b. the projected duration of any such delay or noncompliance;
 - c. the measures taken and to be taken to prevent or minimize such delay or noncompliance; and

d. the timetable by which such measures will be implemented and the date full compliance will be achieved.

Failure to so notify the Regional Director within 24 hours of learning of any condition above, which the College intends to assert will result in the impossibility of compliance, shall constitute a waiver of any claim to inability to comply with a requirement of this Order.

9. This Order is binding on the parties hereto, their successors in interest, designees and assigns, jointly and severally.
10. This Order shall become effective upon execution by both the Director or his designee and the College. Notwithstanding the foregoing, the College agrees to be bound by any compliance date which precedes the effective date of this Order.
11. This Order shall continue in effect until:
 - a. The College petitions the Director or his designee to terminate the Order after it has completed all of the requirements of the Order and the Director or his designee approves the termination of the Order; or
 - b. The Director or Board terminates the Order in his or its sole discretion upon 30 days notice to the College.Termination of this Order, or of any obligation imposed in this Order, shall not operate to relieve the College from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.
12. By its signature below, the College voluntarily agrees to the issuance of this Order.

And it is so ORDERED this day of _____, 2004.

Robert G. Burnley, Director
Department of Environmental Quality

The College voluntarily agrees to the issuance of this Order.

By: _____

Date: _____

Commonwealth of Virginia

City/County of _____

The foregoing document was signed and acknowledged before me this _____ day of
_____, 2003, by _____, who is
(name)

_____ of the College, on behalf of the College.
(title)

Notary Public

My commission expires: _____.

APPENDIX A

The College shall:

1. Until a long term solution is complete the College shall inspect its sewer lines and manholes weekly, remove roots around obstructed manholes and lines, and clean the lines within 7 days of discovering a problem.
2. On or before October 1, 2003, complete and submit the paperwork required to obtain the funds appropriated by Congress in the Federal Fiscal Year 2003 budget. This includes a preliminary engineering report for the project.
3. On or before October 1, 2005, begin construction on the sewer rehabilitation project in accordance with plans and specifications approved by the Department.
4. On or before October 1, 2006, complete construction of the sewer rehabilitation project in accordance with plans and specifications approved by the Department.

Pursuant to this Order communications regarding this Order, and its requirements shall be addressed as follows:

Frank Lupini
Department of Environmental Quality
Piedmont Regional Office
4949-A Cox Road
Glen Allen, Virginia 23060

The College shall confirm, in writing, completion of the Order requirements to the above address **within five (5) days of completion**.